

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDEN M. LABARGE, :
Plaintiff, : 1:16-cv-1046
: :
v. : Hon. John E. Jones III
: :
WARDEN C. MAIORANA, et al., :
Defendants :
:

ORDER

September 18, 2017

NOW THEREFORE, upon consideration of Defendants' unopposed motion (Doc. 22) to dismiss pursuant to Federal Rule of Civil Procedure 12(b) and for summary judgment pursuant to Federal Rule of Civil Procedure 56, and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED that:

1. The motion (Doc. 22) to dismiss the FTCA claims is GRANTED. The FTCA claims against the United States are DISMISSED in their entirety.
2. The motion (Doc. 22) for summary judgment is GRANTED.
3. The Clerk of Court is directed to ENTER judgment against Plaintiff and in favor of Defendants Maiorana, Collis, Gellis, Getz, Grizzanti, Schwartz, Case, and Heneen.
4. The Clerk of Court is further directed to CLOSE this case.

5. Any appeal from this order is deemed frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge